

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12385 of A. Hemmelfad, et al., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Sub-section 4101.3) to permit used car sales, radio sales, repairs and automobile body reconditioning in the SP District at the premises 401 "H" Street, N.W. (Square 517, Lot 870).

HEARING DATE: April 20, 1977

DECISION DATE: May 17, 1977

FINDINGS OF FACT:

1. At the public hearing, the Board permitted the applicant to amend his application to request a change of non-conforming use from a gasoline service station to used car sales, radio sales, repairs and automobile body reconditioning, pursuant to Sub-section 7104.2 and Section 7109.

2. The subject property is a triangular shaped property located on the south side of Massachusetts Avenue and the north side of H Street at the intersection of 4th Street, N.W. The site has access to both Massachusetts Avenue and H Street, and contains less than 3000 square feet.

3. The site is occupied with a gasoline service station built in 1938 and currently not operating. The lot is currently used as a parking lot without a certificate of occupancy. The last recorded certificate of occupancy was No. B-1900 issued August 3, 1951 for a gasoline station, which is a use first permitted in a C-4 District.

4. The applicant proposes to sell used cars and car radios, as well as wash cars. These uses are first permitted in a C-2 District.

5. The existing uses in the area include a combination of commercial, light industrial and residential uses. Within the subject square there are two parking lots and a fire station.

6. The Municipal Planning Office, by report dated April 19, 1977 and by testimony presented at the hearing, recommended approval of the application with the condition that vehicular access be limited to "H" Street, in order to minimize traffic impact on Massachusetts Avenue.

7. There was no opposition to this application.


CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the application can be considered as a change of non-conforming use, since the last recorded certificate of occupancy was for a gasoline station. The Board concludes that the proposed change can be granted, because the proposed use is first permitted in a more restrictive zone than the existing use. The Board concludes that the proposed use will not be out of character with existing uses in the area, and that the future development of the neighborhood would not be adversely affected. The Board is concerned that the proposed use would not create objectionable traffic impact on Massachusetts Avenue. It is therefore ORDERED that this application be GRANTED subject to the condition that vehicular access be limited to the "H" Street frontage only.

VOTE: 4-0 (William F. McIntosh, Charles R. Norris, Leonard L. McCants and Walter B. Lewis to GRANT).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

FINAL DATE OF ORDER: _____

1 AUG 1977